

REMARKS

Applicants would initially like to thank the Examiner for the allowance of claims 13-24 and 26-30.

Claims 13-24 and 26-36 remain in the application. Claims 31 and 34 have been amended. No other claims have been amended, added or cancelled.

Claims 31-26, of which claim 31 is independent, have been rejected under 35 U.S.C. § 103 as obvious over Warburton et al. (“Warburton”) in view of Martensson. In view of the amendments to claims 31 and 34, the Examiner’s rejection is respectfully traversed.

Claim 31 as amended recites “considering a state of a cellular telephone associated with the cellular telephone number as busy, regardless of an actual state of the cellular telephone and regardless of a source of an incoming telephone call.” (emphasis on added language). The Examiner cites Warburton as the primary reference for its teachings of diverting an incoming call. As the Examiner concedes, however, Warburton does not disclose considering a state of the telephone as busy regardless of the actual state of the telephone as recited in claim 31.

What is lacking from Warburton is not provided by Martensson. Martensson teaches that a user can select numbers in a telephone directory and set the phone to a busy state in response to an incoming call from that telephone number. This differs from claim 31 as amended, which recites that the step of considering the a state of a cellular telephone associated with the cellular telephone number as busy regardless of a source of an incoming telephone call. The distinctions are thus twofold. Martensson teaches a reactive relationship in that the numbers are first checked to determine whether a busy signal should be returned, whereas the invention of claim 31 is automatic in that it considers the telephone as busy regardless of the source of the calls. Indeed,

Martensson would not assert a busy state for calls if the incoming call was not from a recognized number of the directory, whereas the invention of claim 31 would assert such a busy state.

The combination of Warburton and Martensson therefore fail to teach the combination of features of claim 31. Even if properly combined (a point which Applicants contest) the combination would yield a standard call forwarding system in which the telephone would be set to busy for certain select calls. This would not set the state of the telephone as busy regardless of the source of incoming calls as recited in claim 31. Quite the opposite, such a combination would only set the telephone to busy based on the source of the incoming calls.

The cited references similarly fail to provide suggestion to bridge this gap. Warburton is already a call forwarding system that does not rely upon, and does not need, the presence of an artificial busy state. While Martensson teaches that setting the telephone to busy for specific calls can be used to avoid specific unwanted calls, there is no teaching or suggestion that such a convenience feature has broader based applications, or should be used as a call forwarding methodology. In short, Applicants have recognized that such use of the busy state can be the basis of an effective call forwarding system. The applied references do not, and fail to teach or suggest the combination recited in claim 31.

Accordingly, claim 31 is patentably distinct over the applied art. Withdrawal of the rejection of claim 31 and allowance of the same is therefore requested.

Claims 32-36, which depend from claim 31, have been rejected on the same grounds as claim 31. For at least the reasons discussed with respect to claim 31, these dependent claims are likewise patentably distinct over the applied art.

In addition, claim 34 recites that the act of considering is in response to a request, and that the association of the primary diversion instruction is responsive (be it directly or indirectly)

to that request. The call forwarding methodology of Warburton triggers in response to entry of a specific code, but there is no teaching or suggestion that the code also triggers a state of considering a telephone as busy. Martensson is responsive to yet a different request. Even if the two were combined, the result would be a phone system with two separate features working off of two separate request commands. As noted above, neither Warburton nor Martensson teach or suggest any synergy that would lead to the use of the Martensson system as a universal call forwarding methodology that would rely upon a common request. For at least these additional reasons, claim 34, and claims 35 and 36 that depend therefrom, are patentably distinct over the applied art.

Accordingly, claims 32-26 are patentably distinct over the applied prior art. Withdrawal of the rejection of claims 32-36 and allowance of the same are therefore respectfully requested.

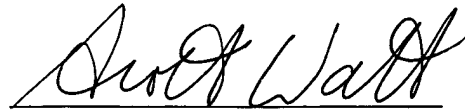
In view of the foregoing, the application is now in condition for allowance and a notice to that effect is earnestly solicited.

If a telephone conference would be of value, the Examiner is requested to call the undersigned attorney at the number listed below.

The Commissioner is hereby authorized to charge/credit any fee deficiencies or overpayments to Deposit Account No. 19-4293 (15047.4014).

Should there be any questions, the Examiner is invited to contact the undersigned at the below listed number.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Scott Watkins", written over a horizontal line.

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